

#355799

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Oscar D. Sandlin et al.)
Serial No. 10/656,553)
Filed September 6, 2003)
LONG-LASTING SCENTED PAINT AND)
METHOD FOR MAKING SAME)

AMENDED DECLARATION OF Bill Oltman**Submitted as a Declaration under 37 C.F.R. 1.131**

1. I herewith state my name is Bill Oltman, one of the named inventors in US Patent Application Serial Number 10/656,553 and a professional painter.
2. In April 2001, I provided painting services for a housing development entitled The Grande Reserve at Geist located at 8019 Glenway Drive, Indianapolis, Indiana 46236. My job was to paint housing units when they became vacant prior to occupancy by new tenants. I was paid a standard amount for each unit depending on the size of the unit.
3. In April 2001, I was requested to paint the walls in Unit 1601 in the housing development. I painted Unit 1601 which is a two bedroom, two bath apartment and was paid my standard charge for the painting services.
4. Despite the cleaning efforts by The Grande Reserve at Geist and despite my painting of the walls in Unit 1601, the unit had a strong cigarette smoke smell.
5. After repeated efforts, The Grande Reserve at Geist was unable to rid the unit of the cigarette smoke smell existing on the walls of the unit.

6. Prior to April 2001, I was experimenting, along with Oscar D. Sandlin with developing a scented paint. In April 2001, we developed a paint by combining paint ingredients with a powder resulting in a paint with a potpourri scent.

7. The method used in April 2001 of making a long-lasting scented paint mixture regarding the aforementioned paint with a potpourri scent included the steps of: selecting a pigment suitable for use in paint, selecting a binder suitable for use in paint, selecting a suitable solvent, selecting a suitable vehicle, selecting a scenting agent, such as, potpourri scent, of characteristics such that it will provide continued scent and odor after the paint is applied to a selected surface and allowed to dry, and, mixing or agitating the pigment, binder, solvent, vehicle and scenting agent until through dispersion all ingredients takes place. The resultant combination of ingredients once allowed to dry on the wall provided a lasting scented paint finish.

8. Attached hereto are photographs, marked as Photographs 1 & 2, of the actual container containing the scenting agent used in the method of making a long-lasting scented paint mixture having a potpourri scent detailed in the paragraphs 6 and 7 of this Declaration. Photograph 1 shows the front of the container which is Arm & Hammer Carpet & Room Deodorizer having a Country Potpourri scent. At the bottom of the front of the surface shown in Photograph 1 is dried paint resulting from using this method in early April 2001 in painting Unit 1601. Photograph 2 shows the bottom of the container shown in Photograph 1 revealing the bar code having a number of 3320011314 that converts to a date of production of the Deodorizer of 3/3/2001

9. After I painted Unit 1601, I offered to Beverly A. Rahe who worked for The Grand Reserve at Geist to re-paint Unit 1601 for no charge with our new scented potpourri paint to see if I could eliminate the smoke smell in the unit.
10. In early April 2001, I re-painted Unit 1601, for no charge, with the new scented potpourri paint at which time the smell of smoke was eliminated from the unit.
11. Upon successfully eliminating the smell of smoke from Unit 1601 by painting the walls with the new scented paint developed by the method detailed in paragraph 7 in April 2001, I along with Oscar D. Sandlin were encouraged by the results.
12. After painting Unit 1601 with the potpourri scented paint, we continued to experiment during April 2001 in developing various scents to include in the paint along with increasing the lasting effect of the scent. Likewise, in April 2001 we experimented in developing various textures to the paint.

I, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of any trademark application or any trademark registration issued thereon.

Dated: 12-29-2005


Bill Oltman